

**COUNTY OF SAN DIEGO  
ADMINISTRATIVE MANUAL**

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SUBJECT:	PROCEDURES TO IMPLEMENT BOARD POLICY B-39A - DISABLED VETERANS BUSINESS ENTERPRISE (DVBE) PROGRAM	ITEM NUMBER	<b>0080-03-6</b>
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EFFECTIVE DATE:	AUGUST 4, 1998 (REVISED)	PAGE	1 OF 6
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Purpose

To provide guidelines for the implementation of Board Policy B-39a, Disabled Veterans Business Enterprise (DVBE) Programs.

Definitions

Refer to Board Policy B-39a for definitions.

Procedure

These procedures shall apply to all firms or individuals engaged in for profit business activities. See Board Policy B-39a for further explanation.

1. All County Department directors and managers shall comply with the County's B-39a policy concerning affirmative action for Disabled Veterans Business Enterprises.
2. The Director of Purchasing and Contracting and Department directors having specific central contracting responsibilities shall use maximum participation of DVBEs in their procurements, and shall follow Board Policy B-39a for specific directions. Additional guidelines to be followed are:
  - A. Document the Department's efforts to solicit DVBE sources and other appropriate action taken in accordance with Board Policy B-39a and this administrative manual.
  - B. Maintain bidders lists by commodity or class of materials/services and coded to known ownership category of all existing DVBEs.
  - C. Send bidders list applications to DVBEs and other firms otherwise identified as potential sources.
  - D. Notify potential DVBE sources on the Department's bidders list for the commodity or service when procurements are being solicited.
  - E. Maintain statistics on DVBE participation in contracts and report summaries to the Equal Opportunity Management Office quarterly, utilizing the forms provided by the Equal Opportunity Management Office (EOMO).
  - F. Submit annual program goals for utilization of DVBEs to the CAO for each fiscal year.
3. Public Works Contracts

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ADMINISTRATIVE MANUAL**

---

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----------	---	----------------	------------------

EFFECTIVE DATE:	AUGUST 4, 1998 (REVISED)	PAGE	2 OF 6
-----------------	--------------------------	------	--------

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- A. County Departments initiating a Public Works contract shall be responsible for implementing the directives of Board Policy B-39a to facilitate bidding by DVBE firms and, in addition shall:
- (1) Where practical, provide public notice of a project prior to the date bids are due.
  - (2) Schedule a pre-bid conference for each Public Works contract to notify prospective bidders of DVBE goals and their responsibilities for securing DVBEs. The pre-bid conference should be scheduled not less than 15 calendar days prior to the date bids are due.
  - (3) Solicit the participation of DVBEs as potential bidders, subcontractors and suppliers.
  - (4) Send copies of Request for Bids (RFB), contract specifications and plans for Public Works contracts, to County listed plan rooms.
  - (5). Submit completed "Contract Award Documentation"(CAO) form (Attachment A) for DVBE participation to the awarding authority.
- B. DVBE goals for Public Works contracts over \$10,000 will be determined by the administering Department on a project-by-project basis. Public Works project DVBE goals will be established utilizing the following criteria:
- (1) Size and complexity of the project.
  - (2) DVBE subcontractor and supplier opportunities in the project.
  - (3) Existing DVBE goals and practices on similar projects being utilized in San Diego County by other Federal, State (Caltrans local assistance), or local jurisdiction.
  - (4) DVBE availability for the particular type of work.
  - (5) Other pertinent factors which will facilitate the utilization of DVBEs.
- C. Documentation of the project DVBE goal analysis shall be retained on every project so evaluated.
- D. The contract may be awarded to the lowest responsive and responsible bidder who also does either of the following:
- (1) Meets the DVBE goal and requirements established in the contract.

**COUNTY OF SAN DIEGO  
ADMINISTRATIVE MANUAL**

---

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----------	---	----------------	------------------

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EFFECTIVE DATE:	AUGUST 4, 1998 (REVISED)	PAGE	3 OF 6
-----------------	--------------------------	------	--------

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- (2) Makes a good faith effort to comply with DVBE goals and requirements established in the contract, consistent with Board policy B-39a prior to the time bids are opened.

The apparent low bidder shall have five working days after the bid opening to submit the "Bidder DVBE Information" form. The apparent low bidder shall have five additional working days to provide supplemental information.

- E. On a Public Works contract where an DVBE goal has been established, the apparent low bidder who has not met the DVBE contract goal shall be required to demonstrate a good faith effort to attain the goal by completing documentation contained in the solicitation documents.

The administering Department's director shall make a determination on whether the bidder made a good faith effort in accordance with the provisions of Board Policy B-39a.

If in the judgment of the administering Department director, the bidder has made a good faith effort, then the director will make a recommendation to EOMO to declare the bidder responsive and responsible and eligible for award.

Efforts will be made to resolve any differences prior to submitting any request to declare a bidder non-responsive for failure to make a good faith effort. If, in the judgment of the administering Department director, neither criterion for good faith efforts nor goal was met, and attempts to resolve the differences with the bidder have failed, then the Director will make a recommendation to the EOMO to declare the bidder non-responsive. Attachment A, "Contract Award Documentation" (CAO) form will be utilized when making the departmental recommendation.

The Chief Administrative Officer (CAO) will make the final determination on whether to award the contract on the basis of good faith effort or declare the bidder non-responsive.

- F. To declare an apparent low bidder non-responsive for not attaining the DVBE goal and for an inadequate good faith effort, the administering Department director, upon concurrence of the CAO, shall make a written determination to that effect, and the bid shall be rejected. A bidder, so declared, shall be advised by the CAO, in writing, of this determination and will be provided five working days to submit a written request for hearing under provisions of Board Policy A-97, "Protest Procedures for Award of Contracts."
- G. The procedures for processing protests are outlined in Board Policy A-97.

**COUNTY OF SAN DIEGO  
ADMINISTRATIVE MANUAL**

---

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----------	---	----------------	------------------

EFFECTIVE DATE:	AUGUST 4, 1998 (REVISED)	PAGE	4 OF 6
-----------------	--------------------------	------	--------

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- (1) All decisions of the Contract Protest Review Board are final, and interested parties shall be notified, in writing, of the decision.
- (2) If the determination of non-responsiveness is upheld, the remainder of the bids may be evaluated, beginning with the next apparent lowest bid, in the same manner to determine if either the DVBE goal or good faith effort criteria have been met and if the cost of this bid is acceptable. Subsequent contract award recommendations shall proceed in the manner outlined above for the apparent low bidder.

4. Other Procurement

- A. County Departments involved in the procurements of architectural, engineering and related professional services shall comply with Board Policy F-40 and associated procedures manual. Affirmative steps shall be taken to assure maximum DVBE participation consistent with Board Policy B-39a and this Administrative Manual.
- B. All departments, in identifying their procurement needs and developing a project during the planning phase, when economically feasible, should design project procurements so that the total number of tasks or quantities required of a vendor or contractor is of such size to permit maximum participation of DVBEs.
- C. Departments having and exercising centralized contracting responsibility under Administrative Manual 0090-6 (Centralized Contracting Procedures) shall:
  - (1) When soliciting bids or proposals, take positive steps to seek out DVBEs as potential sources. Departmental DVBE lists and publications by other agencies and business associations, disabled veterans business assistance offices and the County Disabled Veterans Business Directory shall be used to establish a solicitation list.
  - (2) Set forth the general criteria for evaluating technical proposals in response to Requests for Proposals (RFPs); and specific criteria for submitting pricing proposals.
  - (3) Include, as a minimum, the following statement of policy in each solicitation package:

“The County of San Diego encourages the participation of disabled veterans-owned business enterprises.”

Agreements, Contract And Purchase Orders With Other Government Jurisdictions, Private Enterprise Or Non-Profit Organizations

**COUNTY OF SAN DIEGO  
ADMINISTRATIVE MANUAL**

---

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----------	---	----------------	------------------

EFFECTIVE DATE:	AUGUST 4, 1998 (REVISED)	PAGE	5 OF 6
-----------------	--------------------------	------	--------

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All County Departments and offices, when participating in or contributing funds to any contract, agreement, or purchase order awarded by another governmental jurisdiction for the procurement of supplies, services, or construction, shall require that entity, in the expenditure of the County-provided funds, to adopt contract clauses and requirements consistent with Board Policy B-39a.

Program Goals

1. Board Policy B-39a provides for overall County DVBE goals to be set annually in the following general procurement and contracting program areas, with participation of and in consultation with affected cognizant departments.
  - A. Public works construction contracts
  - B. Architect and engineering contracts and related professional services: awarded under board policy f-40 and associated procedures manual.
  - C. Commodity purchases. (formal/informal)
  - D. Services to the County: awarded under policy a-81.
  - E. Services to the Public
2. The annual County program goal(s) or revisions thereto shall be established by independent analysis of the following factors influencing the program area being considered.
  - A. Availability of DVBEs: For certain commodities or services, circumstances may be of such nature that the current County-based business population contains a large number of such firms that are price and service-competitive. For other commodities or services, this situation may not exist. Source research and outreach by the departments and EOMO are important in this area.
  - B. Past Experiences in Meeting the Goals: While the County cannot simply rely solely on experience as the indicator of its ability to involve DVBE in its procurement operations, such experience must be given serious consideration in goal-setting. Goals must be established to balance experience levels with reasonable expectation.
  - C. Other Agencies' Experience and Practice: Other governmental agencies' experience with DVBE goals and procurement for comparable work must be examined thoroughly.
3. All County departments and offices shall maintain statistical records, by individual program, of all procurements and contracts awarded to DVBEs and report the same to

**COUNTY OF SAN DIEGO  
ADMINISTRATIVE MANUAL**

---

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----------	---	----------------	------------------

---

EFFECTIVE DATE:	AUGUST 4, 1998 (REVISED)	PAGE	6 OF 6
-----------------	--------------------------	------	--------

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the Equal Opportunity Management Office (EOMO) within 30 days following the close of each fiscal quarter.

4. All departments shall establish an annual goal for utilization of DVBEs during each fiscal year. These goals are to be forwarded to EOMO by July 31 each year.
5. The CAO shall maintain an overall County statistical goal, both target and actual, which is an amalgamation of the program outlined herein, for purposes of assessing the overall County-wide success rate of procurements from DVBEs.

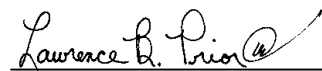
Administration

1. The Equal Opportunity Management Office is responsible for implementing and monitoring Board Policy B-39a to assure compliance with these procedures.
2. The Equal Opportunity Management Office shall also:
  - A. Maintain statistics for the Chief Administrative Officer concerning the DVBE program and update on a quarterly basis.
  - B. Compile and maintain a directory of DVBEs who are capable of providing the County with needed goods and services.
  - C. Conduct outreach programs and services directed toward increasing the number of DVBEs capable of providing the County with needed goods and services.
  - D. Provide assistance to Disabled Veterans Business Enterprises to locate and obtain advice and counsel concerning financing, bonds, insurance and other business aids to establish or maintain a successful business enterprise.

Non-Compliance

These provisions of the Administrative manual are established by the Chief Administrative Officer to govern the activities of the County departments and offices. They shall not be interpreted to create any rights or entitlements in any person, or to impose any legal responsibility or duty toward any person beyond those already imposed by law.

Approved



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Lawrence B. Prior III  
Chief Administrative Officer

ATTACHMENTS:

Contract Award Documentation (CAO) Form  
(Revised - 4/30/98)  
CA/AD/MANUAL.1 - 0080-03-6